



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Attorney Docket No. 037267/0142**

**Applicant:** Yoshiki WAKIZAKA

**Title:** CELLULAR SYSTEM AND METHOD OF MAKING  
COMMUNICATION IN MULTI-CODE CDMA

**Serial No.:** 10/031,344

**Filed:** January 18, 2002

**Examiner:** Unassigned

**Art Unit:** 2661

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**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO-SB08 is a list of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any documents which is determined to be a prima facie prior art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

**CERTIFICATION**

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

**RELEVANCE OF EACH DOCUMENT**

A translation of a portion of a Korean Office Action that issued December 10, 2003 with respect to a counterpart Korean patent application is provided below.

"The inventions related to the following claims of the present application could have been easily invented by a person with ordinary knowledge of technology in the field to which the invention belongs based on the inventions recited in the publications below, which had been distributed in Japan or abroad prior to the application, and therefore cannot receive a patent according to the stipulations of Article 29, Paragraph 2 of the Japan Patent Law.

Note

The present application is the technical concept of connecting by the channel of a neighboring base station when there is no spare channel in the present base station, but the above technical concept is indicated in the attached cited inventions, and a person having ordinary knowledge in this field could easily have invented the present application from the cited inventions.

(Attachments)

Attachment 1: Japanese Examined Patent Publication Application  
H6-121371 (April 28, 1994) 1 copy

Attachment 2: Japanese Examined Patent Publication Application  
H8-307928 (November 22, 1996) 1 copy."

Applicant's statements regarding the Korean Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Korean Office Action.

Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

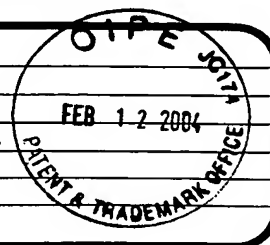
February 12, 2004  
Date

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| Substitute for form 1449B/PTO<br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>Date Submitted: February 12, 2004<br>(use as many sheets as necessary) |   |    |   | <b>Complete if Known</b><br>Application Number: 10/031,344<br>Filing Date: 01/18/2002<br>First Named Inventor: Yoshiki WAKIZAKA<br>Group Art Unit: 2661<br>Examiner Name: Unknown<br>Attorney Docket Number: 037267-0142 |  |
| Sheet   | 1 | of | 1 |  |  |



| U.S. PATENT DOCUMENTS |                       |                      |                                   |   |   |  |
|-----------------------|-----------------------|----------------------|-----------------------------------|---|---|--|
| Examiner Initials*    | Cite No. <sup>1</sup> | U.S. Patent Document |                                   | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document<br>MM-DD-YYYY | Pages, Columns, Lines, Where Relevant<br>Passages or Relevant Figures Appear |
|                       |                       | Number               | Kind Code <sup>2</sup> (if known) |   |   |  |
|                       |                       |                      |                                   |   |   |  |
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| FOREIGN PATENT DOCUMENTS |                       |                         |                     |                                   |  |   |  |                |
|--------------------------|-----------------------|-------------------------|---------------------|-----------------------------------|--|---|--|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document |                     |                                   | Name of Patentee or Applicant of Cited Documents | Date of Publication of Cited Document<br>MM-DD-YYYY | Pages, Columns, Lines, Where Relevant<br>Passages or Relevant Figures Appear | T <sup>6</sup> |
|                          |                       | Office <sup>3</sup>     | Number <sup>4</sup> | Kind Code <sup>5</sup> (if known) |  |   |  |                |
|                          | A1                    | JP                      | 6-121371            |                                   | 04/28/1994                                       |   | ABS  |                |
|                          | A2                    | JP                      | 8-307928            |                                   | 11/22/1996                                       |   | ABS  |                |
|                          |                       |                         |                     |                                   |  |   |  |                |
|                          |                       |                         |                     |                                   |  |   |  |                |

| NON PATENT LITERATURE DOCUMENTS |                       |  |                |
|---------------------------------|-----------------------|--|----------------|
| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>6</sup> |
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| Examiner Signature | Date Considered |
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.